



March 13, 2023

**SUMMARY OF BILL AS AMENDED (005579):** Revises the offense of cruelty to animals to establish standards for access to necessary shelter required to be provided to dogs that primarily reside outdoors.

**FISCAL IMPACT OF BILL AS AMENDED:**

**Increase Local Expenditures – \$1,100/FY23-24 and Subsequent Years\***

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 39-14-202(a)(1)-(5) and (b), a person commits the offense of cruelty to animals who intentionally or knowingly:
  - Tortures, maims or grossly overworks an animal;
  - Fails unreasonably to provide necessary food, water, care, or shelter for an animal in the person's custody;
  - Abandons unreasonably an animal in the person's custody;
  - Transports or confines an animal in a cruel manner;
  - Inflicts burns, cuts, lacerations, or other injuries or pain, by any method, including blistering compounds, to the legs or hooves of horses in order to make them sore for any purpose including, but not limited to, competition in horse shows and similar events; or
  - Ties, tethers, or restrains a dog in a manner that results in the dog suffering bodily injury.
- The proposed legislation establishes standards for access to necessary shelter required to be provided for a dog that resides primarily outside, including requirements for ventilation, size, and the ability to retain body heat.
- Pursuant to Tenn. Code Ann. § 39-14-202(g), cruelty to animals is a Class A misdemeanor and a second or subsequent conviction is a Class E felony.
- Based on information provided by the Administrative Office of the Courts, there has been an average of 49.8 Class A misdemeanor convictions of cruelty to animals in each of the last 10 years.
- This analysis assumes that only 10 percent of misdemeanor convictions are at the state court level. As a result, it is estimated that there are 498 convictions (49.8 / 10.0%) per year for Class A misdemeanor cruelty to animals.
- However, these convictions include offenses under Tenn. Code Ann. § 39-14-202(a)(1)-(5) and (b). It is assumed that five percent, or 24.9 (498 x 5.0%) of these convictions

involved failure to unreasonably to provide necessary food, water, care, or shelter for an animal in the person's custody.

- It can be reasonably assumed that convictions for Class A misdemeanor cruelty to animals will increase by five percent, or 1.24 (24.9 x 5.0%) as a result of the proposed legislation.
- It is assumed that an individual convicted of a Class A misdemeanor offense will spend an average of 15 days in a local jail.
- Based on cost estimates provided by local government entities throughout the state and reported bed capacity within such facilities, the weighted average cost per day to house an inmate in a local jail facility is \$58.21.
- The recurring mandatory increase in expenditures to local governments is estimated to be \$1,083 (1.24 convictions x \$58.21 x 15) in FY23-24 and subsequent years.
- Based on information provided by the Department of Correction, there has been two admissions in the past 10 years for the Class E felony offense under Tenn. Code Ann. § 39-14-202(g) for animal cruelty.
- There will not be a sufficient change in the number of Class E felony prosecutions for state government to experience any significant increase in revenue or expenditures.
- Any impact to state incarceration is estimated to be not significant.
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly increase state or local revenue.

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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